

ROBERT LAIRD, SR.

JANUARY 5 (calendar day, JANUARY 9), 1925.—Ordered to be printed

Mr. BROOKHART, from the Committee on Claims, submitted the following

REPORT

[To accompany H. R. 2309]

The Committee on Claims, to whom was referred the bill (H. R. 2309) for the relief of Robert Laird, sr., having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The facts in the case are fully set forth in House Report No. 783, Sixty-eighth Congress, first session, which is appended hereto and made a part of this report.

[House Report No. 783, Sixty-eighth Congress, first session]

The Committee on Claims, to whom was referred the bill (H. R. 2309) for the relief of Robert Laird, sr., having considered the same, report thereon with a recommendation that it do pass.

STATEMENT OF FACTS

John Laird, of Company C, Three hundred and first Field Signal Battalion, was buried by Robert Laird in the mistaken belief that it was the body of his son, the late John Laird, of Company F, Twenty-third Infantry. Both of these men were soldiers in France. The mistake was rectified by the disinterment of the first body and its proper delivery.

There is a discrepancy of a few dollars by reason of a small check for \$15 that seems to have gone astray.

Your committee recommends that the full amount be paid, to wit, the sum of \$112.11.

FEBRUARY 2, 1924.

Hon. GEORGE W. EDMONDS,
Chairman Committee on Claims, House of Representatives.

MY DEAR MR. EDMONDS: With reference to your letter of January 3, 1924, inclosing a copy of H. R. 2309, a bill for the relief of Robert Laird, sr., and requesting all papers, or copies of same, on file in the War Department relating to

this claim, with my opinion as to its merits, I invite your attention to the following facts:

The bill authorizes and directs the payment of \$112.11 to Robert Laird, sr., being full reimbursement for expenses incurred by him in connection with the burial of the body of late Pvt. (First Class) John Laird, of Company C, Three hundred and first Field Signal Battalion, shipped to him by the War Department in mistake for the body of his own son, late Pvt. John Laird, of Company F, Twenty-third Infantry.

The records of the Quartermaster General's office show that the remains of the late Pvt. (First Class) John Laird, Company C, Three hundred and first Field Signal Battalion, were returned to the United States and delivered to Mr. Robert Laird, sr., in lieu of those of his son, the late Pvt. John Laird, Company F, Twenty-third Infantry. This error was due to the fact that the questionnaire card forwarded Mr. Laird by The Adjutant General of the Army in the case of Pvt. (First Class) John Laird, Company C, Three hundred and first Field Signal Battalion, was executed and returned by Mr. Laird with request thereon that the body be returned to him. Another card covering instructions relative to disposition of the remains to his son, the late Pvt. John Laird, Company F, Twenty-third Infantry, was also executed and returned by Mr. Laird. Accordingly when the body of Pvt. (First Class) John Laird, Company C, Three hundred and first Field Signal Battalion, was received at Hoboken, N. J., the card which Mr. Laird had forwarded to The Adjutant General of the Army and which in turn was referred to the office of the Quartermaster General, was consulted and instructions thereon complied with.

I am advised, furthermore, by the Quartermaster General that as soon as the error was discovered that department hastened to rectify the mistake and Capt. Charles J. Wynne, acting as special agent for the War Department, proceeded to Wishaw, Pa., and informed Mr. Robert Laird, sr., of the misshipment of the body. Captain Wynne as special agent had authority to pay any expenses in connection with the adjustment of the case and accordingly inquired of Mr. Laird as to whether there was any expense in connection with the burial of the original body for which he had not been reimbursed by the Bureau of War Risk Insurance, to which he replied that a local organization of which his son was formerly a member had paid the small amount of expense necessary inasmuch as they had requested to be allowed to pay same as a tribute of honor to the deceased and his family, and that there would not be any reimbursement required, Captain Wynne then advised him to forward his application for reimbursement when the body of his son was reburied. The expenses incurred in the disinterment of the body erroneously sent to him as his son and delivery of same to the proper relatives were paid by Captain Wynne.

It appears, therefore, that whatever expense was incurred by Mr. Laird in the interment of the body of Pvt. (First Class) John Laird, Company C, Three hundred and first Field Signal Battalion, was occasioned through an error of representatives of this department. It is true that Mr. Laird filled in and returned questionnaire cards which authorized the shipment of the body to him, but in view of the similarity of names, and the unfamiliarity of men in civil life with the procedure in such cases, and the natural grief and anxiety which he undoubtedly felt in connection with the decease and interment of the son, I do not think that he can be held to have been at fault with regard thereto. Under all the circumstances of this case, therefore, I believe that he should be reimbursed for such expense as he incurred in connection with the interment of the soldier not his son, and therefore recommend favorable consideration of the bill looking to this end.

In this connection, however, the report from the Quartermaster General shows that some portion of this expense, if not all, was borne by a local organization of which Mr. Laird's son was formerly a member, as a tribute of honor to the deceased and his family. I do not think that Mr. Laird would be justified in asking for reimbursement except in such amounts as were actually expended by him. As to what these amounts are, the records of this department do not show.

No copies of the records of this department are attached, inasmuch as there is no dispute as to the facts shown by them, and as those facts are fully set out I assume that there is no use in encumbering your files with additional papers.

This proposed legislation has been submitted to the Director of the Bureau of the Budget, as required by Circular No. 49 of that bureau, who advises that the same is not in conflict with the financial program of the President.

Sincerely,

JOHN W. WEEKS, *Secretary of War.*

WISHAW, PA., *June 30, 1922.*

HON. NATHAN L. STRONG.

DEAR SIR: Yours of the 24th instant received, and inclosing communication from Quartermaster General's office, in reference to my claim for burial expenses incurred by me on account of the body of Pvt. John Laird, Machine Gun Company, One hundred and twelfth Infantry, having been shipped to me in lieu of the body of my son, Pvt. John Laird, Company F, Twenty-third Infantry. I note the statement of War Department that I signed and executed the questionnaire card in both cases, and will explain. In the first place, I received the questionnaire card as to the disposition of my son's body, Pvt. John Laird, Company F, Twenty-third Infantry. I filled in the card according to instructions, and mailed it to the office of the War Department.

Several months later, however, I received another questionnaire card from the War Department as to the disposition of the body of Pvt. John Laird, Machine Gun Company, One hundred and twelfth Infantry, with an accompanying communication, stating that they had previously sent me a questionnaire card, and, not having received a reply thereto, they herewith inclosed another, which communication I subsequently gave to Brookville Chapter, American Red Cross, Brookville, Pa., who took this matter up for me, and forwarded by them with other papers on the subject, first, to the Bureau of War Risk Insurance, and, later, to the General Accounting Office, War Department Division, Washington, D. C. No doubt you will be able to find it among the other papers bearing on the case.

Now, Mr. Strong, what I want to emphasize is, first, that the War Department said that they had not received a reply to the first questionnaire card they sent to me, whereas the record showed that they had received it, for Capt. Charles J. Wynne showed me a photographic copy of both questionnaire cards.

Secondly, the second questionnaire card and communication was addressed to me at my home address; the name of the dead soldier was the same as that of my son.

I noticed that the regiment number was different, but the accompanying communication stating that they had not received a reply to the first card convinced me that the regiment number being different was a clerical error, and I filled in and signed the card in that belief.

Again, why did the War Department send the questionnaire card of John Laird, Machine Gun Company, One hundred and twelfth Infantry, to me instead of to his parents?

That soldier had his home address, the same as my son had. If the War Department had not made the initial error of sending me the second questionnaire card, it would not have been possible for me to have made the error in executing the second card.

Now, as to the inclosed statement of Capt. Charles J. Wynne, acting as special agent of the War Department, that he inquired of me as to whether there was any expense in connection with the burial of the original body, for which I had not been reimbursed by the Bureau of War Risk Insurance, and to which I replied, that a local organization of which my son was formerly a member had paid the small amount necessary, inasmuch as they had requested to be allowed to pay the same as a tribute of honor to the deceased and his family, and that there would not be any reimbursement required.

Now, I wish to most emphatically deny the foregoing statement of Capt. Charles J. Wynne.

He did not ask me if there was any burial expenses connected with the case, but told me to file my claim for burial expenses with the War Department, that there was the sum of \$100 allowed for the burial of a soldier's body, and that I had a right to have it, and that I might as well have it as not, as there was an appropriation for that purpose.

He asked and received permission to open the grave and remove the body in question, which was accordingly done.

He also admitted (and my wife was present and can bear witness to the whole proceeding) that the War Department had made the error, although I was partly to blame also for having filled in the second card.

Regarding the local organization of which my son was a member, and to which Captain Wynne probably refers. The United Mine Workers of America was the only organization to which my son was affiliated with previous to his enlistment. The organization kept all soldiers in good standing during their service; that is, all soldiers previously a member of the United Mine Workers of America. As you will be aware of, the United Mine Workers of America has an

insurance feature in connection with the organization, and the sum of \$100 is paid to the next of kin on the death of any member of the organization in good standing at the time of his death.

As a matter of fact the \$100 death benefit was paid to me long before the arrival of the first body.

The local organization to which Captain Wynne presumably refers did not ask to be allowed to bear the expense of the burial, as a tribute of honor to the deceased and his family, but paid the death benefit to me for my son's death in the same manner as they do upon the death of any member of the organization, nor did the local organization have any part in or connection with the arrangements for the burial of the body in question, but turned out to the funeral, as they do at the funeral of all members of the organization.

The local post of the American Legion interred the body with military honors, at Reynoldsville, Pa., October 31, 1920. I paid all burial expenses, and have never been reimbursed in any manner for the same.

Inclosed herewith I send you statement from officers of Local Union No. 2043, United Mine Workers of America, of Wishaw, Pa.

ROBERT LAIRD, Sr.
Mrs. ROBERT LAIRD, Sr.

STATE OF PENNSYLVANIA,
County of Jefferson:

Personally appeared before me, this 6th day of July, 1922, Mr. and Mrs. Robert Laird, sr., of Wishaw, Pa., who upon oath duly administered according to law, depose and say that the foregoing statement is true, and further saith not. Sworn and subscribed to before me this 6th day of July, 1922.

[SEAL.]

E. T. McGow,
Notary Public, Reynoldsville, Pa.

My commission expires April 1, 1923.

REYNOLDSVILLE, PA., October 31, 1920.

Mr. Robert Laird, sr., to I. W. Ekis, dr., for burial expenses of John Laird, One hundred and twelfth Regiment, Machine Gun Battalion (but was not the body of John Laird, as found out later).

Minister.....	\$5. 00
Street-car fare for funeral.....	31. 76
Opening and filling grave.....	18. 00
Automobile service.....	8. 00
Taking body from Reynoldsville to Wishaw.....	5. 00
1 wreath of flowers.....	8. 00
Do.....	9. 00
Do.....	12. 00
Do.....	5. 35
Undertaker service.....	10. 00
Total.....	112. 11

November 6, 1920. Received payment in full from Robert Laird, sr.

I. W. EKIS, Undertaker.

